

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the matter of)
)
Amendment of the FM Table of) File No. RM-
Allotments to Add Channel 266A) MM Docket No.
at Madison, Indiana)

TO: John A. Karousos, Chief
Allocations Branch, Policy and Rules Division

DOCKET FILE COPY ORIGINAL

PETITION FOR RULEMAKING

1. Edward E. Guinn, by and through his attorney, hereby requests that the Commission initiate a rulemaking proceeding in order to amend the FM Table of Allotments to add Channel 266A at Madison, Indiana, as follows:

<u>Community</u>	<u>Current Channel Allotment</u>	<u>Proposed Channel Allotments</u>
Madison, IN	244A	244A, 266A

Attached is an Engineering Report in support of this Petition.

2. Madison, Indiana has a population of 52,909 and is located in southwestern Indiana. Currently, only one other FM station (operating on Channel 244A) serves the community of Madison. The proposed allotment would meet all spacing requirements, as specified in Section 73.207 of the Commission's Rules ^{1/}, and its proposed 3.16 mV/m contour would cover the

^{1/} On June 21, 1996, Mr. Guinn tendered a Petition for Rulemaking proposing the allotment of Channel 266A to Madison. That proposal was dismissed because it was supposedly short-spaced to then-licensed facilities of Stations WTHQ(FM), Shelbyville, KY, and WMJM(FM), Jeffersontown, KY. Mr. Guinn believes that his earlier proposal should have been accepted, since it was properly spaced to facilities covered by permits for those two stations as to which construction had been completed
(continued...)

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entire community of Madison.

3. Mr. Guinn submits that it would be in the public interest to add Channel 266A at Madison, thereby providing a second local FM service there. Provision of a second local service is recognized as a "priority two" factor, second only to first local service, in evaluation of proposed channel allotments. See Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982).

4. If the Commission allots Channel 266A at Madison, Indiana, Mr. Guinn will apply for a construction permit for that channel and, if that application is granted, Mr. Guinn will construct and operate the proposed station.

WHEREFORE, for the reasons stated, Edward E. Guinn requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Current Channel Allotment</u>	<u>Proposed Channel Allotments</u>
Madison, IN	244A	244A, 266A

Respectfully submitted,


/s/ Harry F. Cole
Harry F. Cole

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Counsel for Edward E. Guinn

October 9, 1996

¹/ (...continued)
and license applications were pending. In any event, the basis for the dismissal has since been eliminated by the fact that both of those stations' new facilities have now been licensed.

JOHN J. MULLANEY
JOHN H. MULLANEY, P.E. (1994)
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MULLANEY ENGINEERING, INC.

9049 SHADY GROVE COURT
GAITHERSBURG, MD 20877

ENGINEERING EXHIBIT EE-1:

**EDWARD E. GUINN
MADISON, INDIANA
ALLOTMENT OF FM CHANNEL 266A**

SEPTEMBER 30, 1996

**ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE FM TABLE OF ASSIGNMENTS**

**ORIGINAL
SIGNATURE**

MULLANEY ENGINEERING, INC.

ENGINEERING EXHIBIT EE-1:

**EDWARD E. GUINN
MADISON, INDIANA
ALLOTMENT OF FM CHANNEL 266A**

TABLE OF CONTENTS:

1. Declaration of Engineer
2. Narrative Statement.
3. Figure 1, Channel Allocation Study for Ch. 266A.
4. Figure 2, Allowable Area Map for Ch. 266A.

MULLANEY ENGINEERING, INC.

DECLARATION

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an engineer in the firm of Mullaney Engineering, Inc., and that firm has been authorized by Edward E. Guinn, to prepare an engineering statement in support of a Petition to Amend the FM Table of Assignments.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.


John J. Mullaney

Executed on the 30th day of September 1996.

MULLANEY ENGINEERING, INC.

ENGINEERING EXHIBIT EE-1:

**EDWARD E. GUINN
MADISON, INDIANA
ALLOTMENT OF FM CHANNEL 266A**

NARRATIVE STATEMENT:

I. GENERAL:

This engineering statement has been prepared on behalf of Edward E. Guinn. The purpose of this statement is to support a request that the FM Table of Assignments be amended to allot Ch. 266A at Madison, Indiana (Jefferson County).

When originally submitted in June 1996, the proposed allotment was properly spaced based upon the recently built facilities (pending 302 applications) of WTHQ on Ch. 269A at Shelbyville, KY, and of WMJM on Ch. 267A at Jeffersontown, KY. The staff dismissed the filing indicating the proposed allotment was defective because no licenses had been granted those facilities. While we strongly disagree with the staff's decision to dismiss that issue is now mooted since both have received licenses for their new facilities.

It should be noted that the area in question is not within 320 kilometers (200 miles) of a U.S. Border and, therefore, foreign concurrence is not required.

II. ENGINEERING DISCUSSION:

A. Proposed Site:

The following geographic coordinates are for a special reference located northeast of Madison, IN:

Latitude: 38⁰ 49' 15"
Longitude: 85⁰ 18' 46"

The proposed site will provide an unobstructed view of the City of License, Madison, Indiana and is located close enough to serve the entire Community with the required 3.16 mV/M contour which for a Class A facility extends 16.1 kilometers. The proposed special reference point is within 12 kilometers of the entire city of Madison.

B. Channel Allocation Study:

Figure 1 is a Channel Allocation Study from the reference point proposed herein which indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Applications, and pending Rule Makings. From this study it can be determined that the proposed special reference point exceeds all of the minimum separations.

Figure 2 is a map which illustrates the proximity of the special reference point to the city of license.

C. Public Interest Showing:

The proposed Class A assignment has the potential of providing service to a population of 52,909 persons assuming maximum Class A facilities (1990 Census). The community of Madison (city) is located in the

Edward E. Guinn (9/96)
Allotment Ch. 266A - Madison, IN

MULLANEY ENGINEERING, INC.

Madison Township of Jefferson County which is located in south-eastern Indiana.

Based upon the above Edward E. Guinn believes that the requested channel allotment is in the Public Interest and should therefore be granted by the Commission.

III. SUMMARY:

Edward E. Guinn, requests that the FM Table of Assignments be amended to allot FM Channel 266A at Madison, Indiana.

City	Present	Proposed
Madison, Indiana	244A	244A, 266A

September 30, 1996.


John J. Mullaney

***** FM CHANNEL STUDY NO. 1 - MULLANEY ENGINEERING, INC. GAITHERSBURG, MARYLAND - 28-SEP-96 10:09:00 *****
 ***** LAST UPDATE: 960928 *****

RM 266 A FM POLARIZATION ERP (KW) HAAT RCAMSL
 MADISON IN US HOR PLN RM TILT (METER) (METER)
 38.4915 85.1846 (D.MMSS) Hor / Ver 6.000 0.000 100.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:

CALCULATED HAAT FROM TOPO DATA BASE

ERP= 6.000 (KW) 7.8 (DBK) HAAT= 100.0 (METERS)

INTERFERING	DOMESTIC	AZIMUTH	HAAT	HAAT	CONTOURS (KM)
	DBU KM	DEGREES	(METERS)	(FEET)	70 DBU 60 DBU
CO CHANNEL (40.0)	86.7	0.0	58.5	191.9	12.4 22.2
1ST ADJACENT (54.0)	43.7	45.0	82.3	270.0	14.5 25.8
2ND ADJACENT (80.0)	9.1	90.0	91.6	300.4	15.3 27.1
3RD ADJACENT (100.0)	2.8	135.0	150.2	492.9	20.0 34.1
		180.0	119.7	392.6	17.9 30.7
		225.0	120.3	394.5	17.9 30.8
PROTECTED (60.0)	28.3	270.0	88.6	290.7	15.1 26.7
		315.0	88.9	291.8	15.1 26.8
CITY GRADE (70.0)	16.2	AVERAGE	100.0	328.1	16.2 28.3

EST SITE ELEVATION : 198.3 m.; 650.7 ft.
 EST RAD CENTER AGL : 130.1 m.; 426.9 ft.
 RAD CENTER A.M.S.L.: 328.4 m.; 1077.5 ft.

 THE CANADIAN BORDER IS 387.6 KM ON A BEARING OF 29.8 DEG. TRUE

AZIMUTH	LAT	LONG	ERP (KW)	HAAT	D I-CON	P-CON	IR	IC	REZLT
FROM TO CALL STS	FILE NUMBER	CITY	ST C	(D.MMSS)	REL CHN	HORZ VERT	(N) A F5010 F5050	DIST RSEP	RSEP IR IC
							(KM) (KM) (KM) (KM) (KM)		
194.6 14.5 WTFX LIC	BLH940502KF	Louisvill	KY A	38.1132	85.3117	3RD 263C2	37.H 37.V 1690	72.1	55.
176.0 356.1 WLSKFM CP	BMPH951017ID	Lebanon	KY A	37.3512	85.1215	1ST 265C3	15.0H15.0V 90	137.3	89.
64.0 244.4 WTZF LIC	BLH890207KF	Erlander	KY A	39.0618	84.3324	1ST 265A	1.25H1.25V 155	72.7	72. C
205.8 25.0 WJCEFM LIC	BLH900328KC	Russellvi	KY A	36.3136	86.4114	CD 266C1	47.H 47.V 393	282.0	200.
133.4 314.7 WSGS LIC	BLH871217KD	Hazard	KY A	37.1138	83.1052	CD 266C	100.H 88.V 446	260.1	226.
280.9 99.9 WBHQ CP	BMPH940822IF	Bloomfiel	IN A	39.0219	86.5008	CD 266A	2.5H 2.5V 109	134.2	115.
194.5 14.4 USE		Jefferson	KY A	38.1341	85.3030	1ST 267A	H V	68.0	72. S-OK
203.4 23.2 WMJM LIC	BLH960520KB	Jefferson	KY A	38.1342	85.3822	1ST 267A	2.0H 2.0V 590	71.7	72. s
COMMENTFrom Channel 269A Per D93-286									
16.3 196.5 WFMG LIC	BLH800401AN	Richmond	IN A	39.4930	84.5550	1ST 267B	50.H 50.V 78	116.3	113. C
16.2 196.4 WFMG CP	BPH890717IF	Richmond	IN A	39.4941	84.5557	1ST 267B	44.0H44.0V 161	116.5	113. C
306.7 126.3 WKKG LIC	BLH890619KA	Columbus	IN A	39.1112	85.5700	2ND 268B	50.H 50.V 150	68.5	69. s

THERE WERE 0 AM STATIONS WITHIN 6.43 KM (4 MI) OF THE FM REFERENCE COORDINATES

CHANNEL ALLOCATION STUDY - CH. 266A

EDWARD E. GUINN
 MADISON, INDIANA
 ALLOTMENT OF FM CHANNEL 266A

MULLANEY ENGINEERING, INC.
 GAITHERSBURG, MARYLAND

FIGURE 1
 SEPTEMBER 1996

